

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Public Works		(2) MEETING DATE May 23, 2006		(3) CONTACT/PHONE Straith Smith Zanartu, Accountant (805) 781-5282	
(4) SUBJECT Submittal of a Resolution to Levy Assessments for Flood Control Zone 4 (Santa Maria River Levees)					
(5) SUMMARY OF REQUEST If the attached Resolution is approved, it will establish the annual benefit assessment within Flood Control Zone 4 which is calculated at 25¢ per acre (with a minimum of \$5.00 per parcel), and it provides for the collection of the assessments on 2006-07 property tax bills. The assessment rate has been the same since 1979.					
(6) RECOMMENDED ACTION It is recommended that your Honorable Board: 1. Approve the subject Resolution and levy assessments as stipulated therein. 2. Direct the Clerk to file the approved resolution with the County Auditor no later than August 10, 2006.					
(7) FUNDING SOURCE(S) N/A		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Tax Collector, Auditor-Controller, County Counsel, County Clerk, and Santa Barbara County Flood Control District					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent <input type="checkbox"/> Limited Term <input type="checkbox"/> Contract <input type="checkbox"/> Temporary Help					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input checked="" type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input type="checkbox"/> All			(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board N/A
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. 10 Minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input type="checkbox"/> N/A Date: 6-14-05
(23) ADMINISTRATIVE OFFICE REVIEW <div style="text-align: right; font-family: cursive; font-size: 1.2em;">Ok Leslie Brown</div>					

Reference: 06MAY23-C-2

B-13
6-23-06



SAN LUIS OBISPO COUNTY DEPARTMENT OF PUBLIC WORKS

Noel King, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252

Fax (805) 781-1229

email address: pwd@co.slo.ca.us

TO: Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District

FROM: Straith Smith Zanartu, Accountant *ASZ*

VIA: Will Clemens, Department Administrator *WC*

DATE: May 23, 2006

SUBJECT: Submittal of a Resolution to Levy Assessments for Flood Control Zone 4 (Santa Maria River Levees)

Recommendation

It is recommended that your Honorable Board:

1. Approve the subject Resolution and levy assessments as stipulated therein.
2. Direct the Clerk to file the approved resolution with the County Auditor no later than August 10, 2006.

Discussion

Since 1979, Flood Control Zone 4 has financed its share of the cost of maintaining the Santa Maria Levees through 25¢ per acre benefit assessments. The 25¢ per acre benefit assessment is based strictly on acreage with a minimum of \$5.00 per parcel, per year, and is expected to be adequate through 2006-07. The benefit assessment is authorized per Section 13 of the San Luis Obispo County Flood Control and Water Conservation District Act, Act 7205 of Deering's California Codes, Water -- Uncodified.

The assessment rate has been the same since 1979. The current rate was in effect when Proposition 218 was passed. No vote on these assessments is required unless the rate is to be increased.

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Other Agency Involvement/Impact

Tax Collector collects the charges, Auditor/Controller places the charges on the taxroll and County Counsel has approved the resolution as to form and effect. The County Clerk will file the resolution with the County Auditor/Controller.

The Santa Barbara County Flood Control District is the lead agency in performance of the levee maintenance. It also pays the lion's share of the cost as the principal benefit is to property owners within Santa Barbara County.

Financial Considerations

Section 13 of the San Luis Obispo County Flood Control Act 7205 allows for the recovery of costs incurred while maintaining and improving the Santa Maria Levees. This revenue (approximately \$3,300) is included in the proposed Flood Control Zone 4 budget for 2006-07, and other than interest is the sole source of revenue for the district.

Results

Approximately \$3,300 will be added to the property tax bills for parcels within Flood Control Zone 4. See resolution exhibit for amount per parcel. The revenue will be used to pay Santa Barbara County for Santa Maria levee maintenance. That maintenance is necessary for maintaining a desirable level of health and safety for the community, and therefore maintain the quality of life in the district.

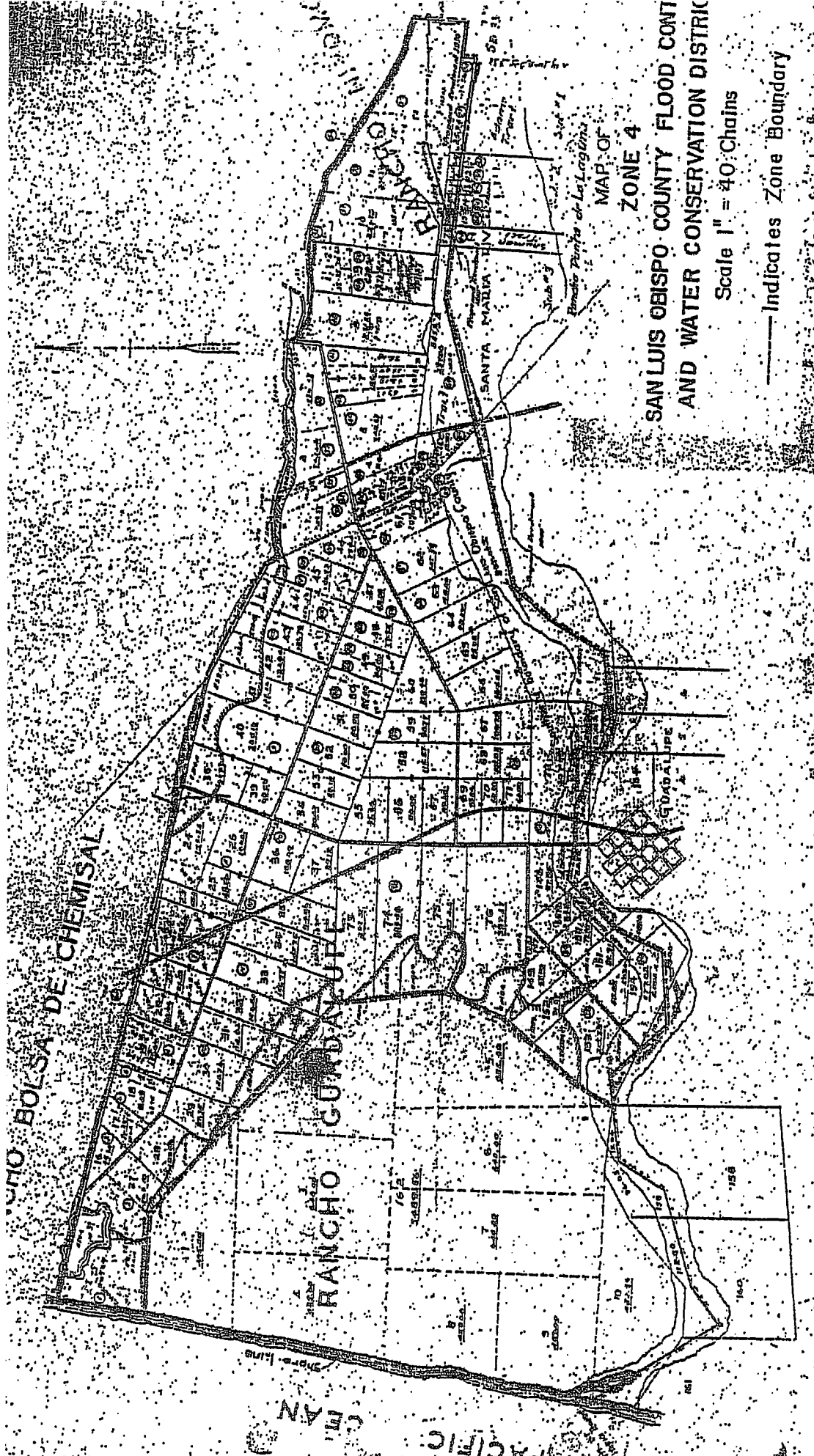
Attachment: Resolution
Exhibit
Vicinity Map

File: Districts/FC Zone 4

Reference: 06MAY23-C-2

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D-3



SAN LUIS OBISPO COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
Scale 1" = 40 Chains
—— Indicates Zone Boundary

November 26, 1960

B. B.

BEFORE THE BOARD OF SUPERVISORS

of the
**SAN LUIS OBISPO COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT**

_____ day _____, 20____

PRESENT: Supervisors

ABSENT:

RESOLUTION NO.

RESOLUTION TO LEVY ASSESSMENTS FOR COSTS OF SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 4 (SANTA MARIA LEVEE)

The following resolution is hereby offered and read:

WHEREAS, said County Flood Control Zone 4 was established as a zone of benefit of the Santa Maria River levees; and

WHEREAS, on July 31, 1961, San Luis Obispo County Flood Control and Water Conservation District (hereinafter referred to as San Luis Obispo) did enter into a joint powers agreement with Santa Barbara County Flood Control and Water Conservation District (hereinafter referred to as Santa Barbara) for maintaining the Santa Maria River levees, whereby Santa Barbara performs all the maintenance work and San Luis Obispo pays a share of the costs to Santa Barbara; and

WHEREAS, Section 13 of the San Luis Obispo County Flood Control and Water Conservation District Act, provides that the Board has the authority:

"To levy ...assessments upon all taxable property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones"; and

WHEREAS, by Resolution No. 87-280 the Board of Supervisors did establish an assessment on all taxable property in Zone 4 at the rate of 25¢ (twenty-five cents) per acre per year, with a minimum of \$5.00 (Five Dollars) per parcel per year.

B 3

WHEREAS, said Section 13 further provides that any such assessments shall be levied and collected together with taxes for County purposes and paid into the County Treasury to the credit of said zone to be expended for, and only for, the purposes of said zone; and

WHEREAS, the benefits to be derived by each property from said maintenance are in direct proportion to the area of each property; and

WHEREAS, Proposition 218, which was approved by California voters on November 5, 1996, added Articles XIIC and XIID to the Constitution of the State of California ; and

WHEREAS, Sections 4 and 5 of said Article XIID affect laws governing, assessments; and

WHEREAS, Section 5 of said Article XIID provides that certain assessments existing on the effective date of said Article XIID are exempt from the procedures and approval process set forth in Section 4 of said Article XIID; and

WHEREAS, this resolution is for the purpose of continuing to levy flood control and/or drainage system assessments that were already existing on the effective date of said Article XIID, and the amounts of said assessments for fiscal year 2006-07 are not proposed to be increased; and

WHEREAS, since the assessments were imposed exclusively to finance the capital costs or maintenance and operation expenses for flood control and/or drainage systems, then pursuant to Section 6(a) of said Article XIID, they are explicitly exempt from the procedures and approval process set forth in Section 4 of said Article XIID although increases in such assessments shall be subject to the entirety of said Article XIID; and

WHEREAS, it is in the public interest to levy said assessments for fiscal year 2006-07.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS as follows:

1. That this Board hereby determines that every charge set forth on the attachment document marked Exhibit "A" is an accurate computation of said assessment (said Exhibit "A" being hereby expressly incorporated herein by reference as though here fully set forth); and the Board hereby confirms and adopts the report for 2006-07 containing such charges set forth in said Exhibit "A".
2. That pursuant to Section 13 of the San Luis Obispo County Flood Control and Water Conservation District Act, Act 7205 of Deering's California Codes, Water - Uncodified Acts, the said assessments, as set forth in Exhibit "A" hereto, shall be levied; and, the County Tax Collector/Treasurer shall collect same together with taxes levied for County purposes.

8/13/06

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.
County Counsel

By: *Patricia J. Jordan*
Deputy County Counsel

Dated: 5/5/06

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20_____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____ Deputy Clerk.

B. J.

**Service Charge 2006-07- Flood Control Zone 4
(Santa Maria River Levees Area)**

12-Apr-06

Exhibit A

<u>APN</u>	<u>AMOUNT</u>
090-301-013	\$6.24
090-301-035	\$5.00
090-301-036	\$5.00
090-301-039	\$5.00
090-301-040	\$5.00
090-301-054	\$5.00
090-301-057	\$5.00
090-301-058	\$5.00
090-301-065	\$5.00
090-301-067	\$5.00
090-302-003	\$5.00
090-302-004	\$5.00
090-302-005	\$5.00
090-302-006	\$5.00
090-302-017	\$5.00
090-302-023	\$5.00
090-302-026	\$5.00
090-302-031	\$5.00
090-302-034	\$5.00
090-302-035	\$5.00
090-303-001	\$8.61
090-303-006	\$5.00
090-304-004	\$7.25
090-304-005	\$5.00
090-304-006	\$5.00
090-304-007	\$5.00
090-304-008	\$5.00
090-305-012	\$5.00
090-305-013	\$5.00
090-305-014	\$5.00
090-305-015	\$5.00
090-305-016	\$5.00
090-305-017	\$5.00
090-305-018	\$5.00

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<u>APN</u>	<u>AMOUNT</u>
090-305-019	\$5.00
090-305-020	\$5.25
090-305-023	\$5.00
090-305-024	\$5.00
090-305-025	\$5.00
090-305-026	\$5.00
090-305-027	\$5.00
090-305-028	\$5.90
090-305-029	\$5.00
090-305-030	\$5.00
090-305-031	\$5.00
090-305-032	\$5.00
090-305-033	\$5.00
090-305-034	\$5.00
090-305-035	\$5.00
090-305-036	\$5.00
090-305-037	\$5.00
090-305-038	\$5.00
090-305-039	\$5.00
090-305-040	\$5.00
090-305-041	\$5.00
090-306-001	\$5.00
090-306-002	\$5.00
090-306-003	\$5.00
090-306-004	\$5.00
090-306-005	\$5.00
090-306-006	\$5.00
090-306-007	\$5.00
090-306-008	\$5.00
090-306-009	\$5.00
090-306-010	\$5.00
090-306-011	\$5.00
090-306-012	\$5.00
090-306-013	\$5.00
090-306-014	\$5.00
090-306-015	\$5.00
090-306-016	\$5.00
090-306-017	\$5.00
090-306-018	\$5.00

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<u>APN</u>	<u>AMOUNT</u>
090-306-019	\$5.00
090-306-020	\$5.00
090-306-021	\$5.00
090-306-022	\$5.00
090-306-023	\$5.00
090-306-024	\$5.00
090-306-025	\$5.00
090-306-026	\$5.00
090-306-027	\$5.00
090-306-028	\$5.00
090-307-001	\$5.00
090-307-002	\$5.00
090-307-003	\$5.00
090-307-004	\$5.00
090-307-005	\$5.00
090-307-006	\$5.00
090-307-007	\$5.25
090-331-001	\$5.00
090-331-004	\$6.50
090-331-005	\$7.00
090-331-006	\$5.00
090-331-008	\$5.00
090-331-009	\$5.00
090-331-011	\$35.50
090-331-013	\$26.50
090-331-014	\$7.24
090-341-019	\$10.00
090-341-032	\$11.00
090-341-033	\$74.24
090-341-046	\$5.00
092-011-004	\$44.74
092-011-009	\$55.74
092-011-010	\$5.00
092-011-015	\$5.00
092-011-017	\$20.50
092-011-019	\$32.00
092-021-004	\$25.74
092-021-005	\$100.74
092-021-006	\$5.00

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<u>APN</u>	<u>AMOUNT</u>
092-021-009	\$20.00
092-021-013	\$31.00
092-021-020	\$20.00
092-021-023	\$34.50
092-021-025	\$24.74
092-021-026	\$5.00
092-021-027	\$7.24
092-021-028	\$36.74
092-021-030	\$29.24
092-021-033	\$23.44
092-021-034	\$7.54
092-021-035	\$9.00
092-021-038	\$27.00
092-021-039	\$35.00
092-021-040	\$20.24
092-021-041	\$5.00
092-021-043	\$27.50
092-021-044	\$70.00
092-021-046	\$5.00
092-021-047	\$48.74
092-021-048	\$5.00
092-031-002	\$21.00
092-031-003	\$35.00
092-031-004	\$11.50
092-031-005	\$15.24
092-031-006	\$18.50
092-031-007	\$20.00
092-031-008	\$14.74
092-031-009	\$13.74
092-031-010	\$11.50
092-031-011	\$20.00
092-031-012	\$16.00
092-031-013	\$25.24
092-031-018	\$5.50
092-031-019	\$32.44
092-031-020	\$54.00
092-031-021	\$22.24
092-041-007	\$5.00
092-041-009	\$44.00

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<u>APN</u>	<u>AMOUNT</u>
092-041-010	\$9.00
092-051-006	\$82.24
092-051-007	\$53.74
092-051-010	\$16.50
092-051-012	\$71.50
092-051-016	\$5.00
092-051-017	\$5.00
092-051-018	\$74.74
092-051-019	\$6.74
092-051-020	\$77.00
092-051-022	\$5.00
092-051-023	\$10.00
092-051-024	\$17.74
092-051-025	\$140.04
092-051-026	\$78.08
092-061-001	\$80.24
092-061-002	\$25.00
092-061-003	\$36.74
092-061-004	\$11.24
092-061-005	\$11.00
092-061-006	\$5.24
092-061-008	\$140.00
092-191-001	\$31.24
092-191-002	\$15.00
092-191-003	\$30.74
092-202-001	\$33.74
092-202-002	\$5.00
092-211-001	\$5.00
092-211-002	\$7.50
092-211-003	\$5.00
092-211-006	\$35.74
092-211-007	\$10.74
092-211-008	\$22.00
092-211-009	\$13.74
092-211-010	\$5.00
092-211-011	\$5.00
092-211-012	\$9.94
092-211-013	\$12.96
092-221-002	\$31.00

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<u>APN</u>	<u>AMOUNT</u>
092-221-003	\$32.24
092-221-004	\$15.34
092-221-005	\$15.00
092-221-006	\$13.42
092-221-007	\$15.00
092-231-001	\$39.00
092-231-002	\$13.74
092-231-003	\$5.00
092-231-011	\$5.00
092-231-014	\$50.50
092-231-016	\$5.00
092-231-017	\$5.00
092-371-001	\$5.00
092-371-005	\$5.00
092-371-007	\$5.00
092-371-009	\$5.00
092-371-012	\$5.00
092-371-013	\$5.00
092-371-014	\$5.00
092-371-015	\$20.00
092-371-016	\$37.74
092-371-017	\$36.00
092-401-008	\$5.00
092-401-010	\$5.00

Grand Total: **\$3,427.60**

Tax Fund: 1739 **No of APNs:** 214

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